



May 15, 2002

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OUR FILE NO. 104659-157060

Attorney Docket No.: JHU1400-1 (07265/098002)

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ATTN: BOX CPA  
Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 100-2900

This paper is a request for a **continued prosecution application** under 37 C.F.R. § 1.53(d) of:

Applicants: Harry C. Dietz  
Title: DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS  
AND METHODS OF USE  
Prior U.S. Application No.: 09/163,289  
Filing date: September 29, 1998

The prior application was complete as defined by 37 C.F.R. § 1.51(b), or was a national stage of an international application filed in compliance with 35 U.S.C. § 371.

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein.

Applicants respectfully request entry of the Preliminary Amendment mailed herewith.

The prior application is assigned of record to THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on March 10, 1997, at Reel No. 8537, Frame No. 0233.

05/23/2002 AWONDAF1 00000070 09163293

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370.00 GP

EXPRESS MAIL Number: EV047294965 US  
Date of Deposit: May 15, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: ATTN: BOX CPA, Commissioner for Patents, Washington, D.C. 20231

JASON BERRY

(Name of Individual Depositing with P.O.)

(Signature of Individual Depositing with P.O.)

**Gray Cary Ware & Freidenrich LLP**

Box CPA  
May 15, 2002  
Page Two

This request includes Three (3) sheets, and the following:

- Petition for Five (5) Months Extension of Time;
- Preliminary Amendment
- Terminal Disclaimer - 2
- Check No.: 509085 for \$1,350.00; and
- Return Receipt Postcard;

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

Applicants claim **SMALL ENTITY status** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

Enclosed please find Check No. 509085 in the amount of \$1,350.00; which consists of \$370.00 for the basic filing fee and \$980.00 for the Five (5) Months Extension of Time fee. Please charge any additional required fees or credit any overpayments, to Deposit Account No. 50-1355, referencing the Attorney Docket number shown above. A copy of this transmittal letter is attached.


If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.  
All future correspondence should be addressed to:

**Lisa A. Haile, J.D., Ph.D.**  
**GRAY CARY WARE & FREIDENRICH LLP**  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465  
**CUSTOMER No.: 28213**

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347

\_\_\_\_\_  
May 15, 2002  
Date

Enclosures

Gray Cary\GT\6294106.1  
104659-157060

In re Application of:  
Harry C. Dietz  
Application No.: 09/163,289  
Filed: September 29, 1998  
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Patent  
Attorney Docket No.: JHU1400-1

A check for the total sum of \$940.00 is enclosed for the five-month Extension of Time fee. Please charge Deposit Account No. 50-1355 for any other fees or credits believed to be due. A copy of this Petition is enclosed.

Respectfully submitted,

Date: May 15, 2002



Lisa A. Haile, Ph.D.  
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PATENT

Attorney Docket No.: JHU1400-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harry C. Dietz                      Art Unit: 1635  
Application No.: 09/163,289                      Examiner: M. Schmidt  
Filed: September 29, 1998  
Title: DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS  
AND METHODS OF USE

Commissioner for Patents  
Washington, D.C. 20231

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**PRELIMINARY AMENDMENT**

Sir:

Prior to examination of the above application, and further responsive to the Final Office Action mailed July 17, 2001 please consider the following amendments and remarks.

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Date of Deposit: May 15, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: ATTN: BOX CPA, Commissioner for Patents, Washington, D.C. 20231

**JASON BERRY**

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